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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,583	07/12/2001	Hisao Naitoh	1083.1083	9449

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EXAMINER
ABRISHAMKAR, KAVEH

ART UNIT	PAPER NUMBER
2131	

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _06 May 2005_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-18_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-18_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the response received on May 6, 2005. Claims 1-17

were originally received for consideration. Per the received amendment, claim 18 has

been newly added. Claims 1-18 are currently being considered.

Response to Arguments

2.   Applicant's arguments filed on May 6, 2005 have been fully considered but

they are not persuasive for the following reasons:

Regarding claim 1, the applicant argues that the CPA, Bates et al. (U.S. Patent

No. 6,785,732), does not teach "specifying the time of infection" and further argues that

the time of infection is different that the time of detection of the CPA. This argument is

not found persuasive. As mentioned by the applicant, the CPA explicitly discloses that

when a virus is detected, "an entry is made in the virus information database regarding

the name of the virus, type, when detected, etc." (column 8 lines 10-20). In a real-time

scanning mechanism as disclosed by the CPA, it is well-known to continuously scan the

terminal for viruses whether it be scanning files, disks, or e-mails. Therefore, if a

scanning is done every t seconds, and a virus is not found at a time T1, but a virus is

found at the next automatic scanning, the time of infection is T1 + t. Therefore, it is

asserted that in a real-time scanning environment, the time of detection can be

interpreted as being the time of infection. Therefore, this information in the virus

information database that includes the time of detection, along with other virus

information, is transmitted to a web client and appropriate authorities (column 8 lines 5-

22). Therefore, it is believed that the CPA does teach "specifying the time of infection."

Therefore, the rejection is respectfully maintained for claims 1-17, and applied to

newly added claim 18 below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1 – 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Bates

et al. (U.S. Patent 6,785,732).

Regarding claim 1, Bates discloses:

A computer virus infection information providing method for detecting a computer

virus in information transmitted between a terminal apparatus and a central apparatus

and providing infection information concerning the detected computer virus, comprising

the steps of:

installing anti-virus software on the central apparatus (column 4 lines 38 – 57);

storing a communication history of the terminal apparatus (column 5 line 57 –

column 6 line 20, column 12 lines 37 – 58);

specifying the time of infection based on the stored communication history when

a computer virus is detected by the installed anti-virus software (column 8 lines 1 – 22,

column 9 lines 38 – 60);

transmitting the infection information including the specified time of infection,

from the central apparatus to the terminal apparatus (column 8 lines 1 – 22, column 9

lines 38 – 60); and

displaying the transmitted infection information by using the terminal apparatus

(column 6 lines 21 – 62, column 8 lines 1 – 23, column 10 lines 28 – 67).

Regarding claim 2, Bates discloses:

A computer virus infection information providing system for detecting a computer

virus and providing infection information concerning the detected computer virus,

comprising:

a central apparatus (Figure 3 item 300, column 4 lines 38 – 57); and

a terminal apparatus connected to the central apparatus via a communication

network (Figure 3 items 210A-C, column 4 lines 38 – 57);

wherein the central apparatus includes a processor capable of performing

operations of:

installing anti-virus software (column 4 lines 38 – 57);

storing a communication history of the terminal apparatus (column 5 line 57 –

column 6 line 20, column 12 lines 37 – 58);

specifying the time of infection based on the stored communication history when

a computer virus is detected by the installed anti-virus software (column 8 lines 1 – 22,

column 9 lines 38 – 60); and

transmitting the infection information including the specified time of infection, to

the terminal apparatus(column 8 lines 1 – 22, column 9 lines 38 – 60); and

wherein the terminal apparatus includes a processor capable of performing the

operation of: displaying the transmitted infection information (column 6 lines 21 – 62,

column 8 lines 1 – 23, column 10 lines 28 – 67).

Regarding claim 11, Bates discloses:

An infection information providing apparatus for detecting a computer virus in

transmitted and received information and providing infection information concerning the

detected computer virus, comprising a processor capable of performing operations of:

installing anti-virus software (column 4 lines 38 – 57);

storing communication history of the information (column 5 line 57 – column 6

line 20, column 12 lines 37 – 58);

specifying the time of infection based on the stored communication history when

a computer virus is detected by the installed anti-virus software (column 8 lines 1 – 22,

column 9 lines 38 – 60); and

transmitting the infection information including the specified time of infection, to

the outside (column 8 lines 1 – 22, column 9 lines 38 – 60).

Regarding claim 15, Bates discloses:

A computer memory product readable by a computer and storing a computer

program for detecting a computer virus in transmitted and received information and

providing infection information concerning the detected computer virus, the computer

program comprising the steps of:

storing a communication history of the information (column 5 line 57 – column 6

line 20, column 12 lines 37 – 58); and

specifying the time of infection based on the stored communication history when

a computer virus is detected by anti-virus software (column 8 lines 1 – 22, column 9

lines 38 – 60).

Regarding claim 16, Bates discloses:

A computer virus infection information providing system for detecting a computer

virus and providing infection information concerning the detected computer virus,

comprising:

a central apparatus (Figure 3 item 300, column 4 lines 38 – 57); and

a terminal apparatus connected to the central apparatus via a communication

network (Figure 3 items 210A-C, column 4 lines 38 – 57);

wherein the central apparatus includes:

means for installing anti-virus software (column 4 lines 38 – 57);

means for storing a communication history of the terminal apparatus (column 5 line 57 – column 6 line 20, column 12 lines 37 – 58);

means for specifying the time of infection based on the stored communication history when a computer virus is detected by the installed anti-virus software (column 8 lines 1 – 22, column 9 lines 38 – 60); and

means for transmitting the infection information including the specified time of infection to the terminal apparatus (column 8 lines 1 – 22, column 9 lines 38 – 60); and

wherein the terminal apparatus includes means for displaying the transmitted infection information (column 6 lines 21 – 62, column 8 lines 1 – 23, column 10 lines 28 – 67).

Regarding claim 17, Bates discloses:

An infection information providing apparatus for detecting a computer virus in information transmitted to and received from the outside and providing infection information concerning the detected computer virus, comprising:

means for installing anti-virus software (column 4 lines 38 – 57);

means for storing a communication history of the information (column 5 line 57 – column 6 line 20, column 12 lines 37 – 58);

means for specifying the time of infection based on the stored communication history when a computer virus is detected by the installed anti-virus software (column 8 lines 1 – 22, column 9 lines 38 – 60); and

means for transmitting the infection information including the specified time of

infection to the outside (column 8 lines 1 – 22, column 9 lines 38 – 60).

Claim 3 is rejected as applied above in rejecting claim 2. Furthermore, Bates discloses:

A computer virus infection information providing system according to claim 2,

wherein the processor of the central apparatus is further capable of performing an

operation of registering the time of find-out which is the time when the computer virus

was found out (column 8 lines 1 – 22, column 9 lines 38 – 60), and

wherein the time of infection is specified based on the stored communication

history, the registered time of find-out, and the time of installation of the anti-virus

software which is the time when the anti-virus software was installed, when the

computer virus is detected by the installed anti-virus software (column 8 lines 1 – 22,

column 9 lines 38 – 60).

Claim 4 is rejected as applied above in rejecting claim 2. Furthermore, Bates discloses:

A computer virus infection information providing system according to claim 2,

wherein the processor of the central apparatus is further capable of performing an

operation of specifying the route of infection of the computer virus based on the stored

communication history and the time of installation which is the time when the anti-virus

software was installed (column 8 lines 1 – 22, column 9 lines 38 – 67) and wherein

the infection information including the specified route of infection and the

specified time of infection is transmitted, to the terminal apparatus, when the infection

information is transmitted (column 8 lines 1 – 22, column 9 lines 38 – 60).

Claim 8 is rejected as applied above in rejecting claim 2. Furthermore, Bates discloses:

A computer virus infection information providing system according to claim

2, wherein the processor of the central apparatus is further capable of performing an

operation of transmitting advertising information concerning the anti-virus software to

the terminal apparatus when a computer virus is detected by the anti-virus software

(column 8 lines 1 – 22, column 9 lines 38 – 60).

Claim 12 is rejected as applied above in rejecting claim 11. Furthermore, Bates

discloses:

An infection information providing apparatus according to claim 11, wherein the

processor is further capable of performing an operation of registering the time of find-out

which is the time when the computer virus is found out (column 8 lines 1 – 22, column 9

lines 38 – 60), and

the time of infection is specified based on the stored communication history, the

registered time of find-out, and the time of installation of the anti-virus software which is

the time when the anti-virus software was installed, when a computer virus is detected

by the installed anti-virus software (column 8 lines 1 – 22, column 9 lines 38 – 60).

Claim 13 is rejected as applied above in rejecting claim 11. Furthermore, Bates

discloses:

An infection information providing apparatus according to claim 11, wherein the

processor is further capable of performing an operation of specifying the route of

infection of the computer virus based on the stored communication history and the time

of installation which is the time when the anti-virus software was installed (column 8

lines 1 – 22, column 9 lines 38 – 67) and

the infection information including the specified route of infection and the

specified time of infection is transmitted to the outside, when the infection information is

transmitted (column 8 lines 1 – 22, column 9 lines 38 – 60).

Claim 5 is rejected as applied above in rejecting claim 3. Furthermore, Bates discloses:

A computer virus infection information providing system according to claim 3,

wherein the processor of the central apparatus is further capable of performing an

operation of specifying the route of infection of the computer virus based on the stored

communication history and the time of installation which is the time when the anti-virus

software was installed (column 8 lines 1 – 22, column 9 lines 38 – 67), and wherein

the infection information including the specified route of infection and the

specified time of infection is transmitted, to the terminal apparatus, when the infection

information is transmitted (column 8 lines 1 – 22, column 9 lines 38 – 60).

Claim 6 is rejected as applied above in rejecting claim 3. Furthermore, Bates discloses:

A computer virus infection information providing system according to claim 3, wherein the processor of the central apparatus is further capable of performing an operation of transmitting the installed anti-virus software to a predetermined terminal apparatus, wherein the processor of the terminal apparatus is further capable of performing operations of:

installing the transmitted anti-virus software (column 11 lines 17 - 67);

storing an execution history of the installed anti-virus software (column 11 lines 17 - 67); and

transmitting the stored execution history to the central apparatus when a computer virus is detected by the anti-virus software (column 11 lines 17 - 67), and

wherein the processor of the central apparatus is further capable of performing the operations of:

specifying the time of infection based on the transmitted execution history and the registered time of find-out (column 8 lines 1 – 22, column 9 lines 38 – 60);

specifying the route of infection of the computer virus based on the transmitted execution history (column 8 lines 1 – 22, column 9 lines 38 – 67); and

transmitting the infection information including the specified time of infection and the specified route of infection, to the terminal apparatus (column 8 lines 1 – 22, column 9 lines 38 – 60).

Claim 7 is rejected as applied above in rejecting claim 4. Furthermore, Bates discloses:

A computer virus infection information providing system according to claim 4, wherein the processor of the central apparatus is further capable of performing an operation of transmitting the installed anti-virus software to a predetermined terminal apparatus, wherein the processor of the terminal apparatus is further capable of performing operations of:

installing the transmitted anti-virus software (column 11 lines 17 – 67);

storing an execution history of the installed anti-virus software (column 11 lines 17 – 67); and

transmitting the stored execution history to the central apparatus when a computer virus is detected by the anti-virus software (column 11 lines 17 – 67), and wherein

the processor of the central apparatus is further capable of performing a operations of:

specifying the time of infection based on the transmitted execution history and the registered time of find-out (column 8 lines 1 – 22, column 9 lines 38 – 60);

specifying the route of infection of the computer virus based on the transmitted execution history (column 8 lines 1 – 22, column 9 lines 38 – 67); and

transmitting the infection information including the specified time of infection and the specified route of infection, to the terminal apparatus (column 8 lines 1 – 22, column 9 lines 38 – 60).

Claim 9 is rejected as applied above in rejecting claim 3. Furthermore, Bates discloses:

A computer virus infection information providing system according to claim 3, wherein the processor of the central apparatus is further capable of performing an operation of transmitting advertising information concerning the anti-virus software to the terminal apparatus when a computer virus is detected by the anti-virus software (column 8 lines 1 – 22, column 9 lines 38 – 60).

Claim 10 is rejected as applied above in rejecting claim 4. Furthermore, Bates discloses:

A computer virus infection information providing system according to claim 4, wherein the processor of the central apparatus is further capable of performing an operation of transmitting advertising information concerning the anti-virus software to the terminal apparatus when a computer virus is detected by the anti-virus software (column 8 lines 1 – 22, column 9 lines 38 – 60).

Claim 14 is rejected as applied above in rejecting claim 12. Furthermore, Bates discloses:

An infection information providing apparatus according to claim 12, wherein the processor is further capable of performing an operation of specifying the route of infection of the computer virus based on the stored communication history and the time of installation which is the time when the anti-virus software was installed (column 8 lines 1 – 22, column 9 lines 38 – 67), and

the infection information including the specified route of infection and the

specified time of infection is transmitted, to the outside, when the infection information is

transmitted (column 8 lines 1 – 22, column 9 lines 38 – 60).

Regarding claim 18, Bates discloses:

A computer virus infection information providing method for detecting a computer

virus in information transmitted between a client and a server and providing infection

information concerning the detected computer virus, comprising:

installing anti-virus software on the server apparatus (column 4 lines 38-57);

detecting the virus and specifying a time of detection (column 8 lines 1-22,

column 9 lines 38-60);

storing a communication history of the client apparatus (column 5 line 57 –

column 6 line 20, column 12 lines 37-58);

specifying a time of infection based on the time of detection and the stored

communication history when the virus is detected by the installed anti-virus software

(column 8 lines 1-22, column 9 lines 38-60);

transmitting the infection information including the specified time of infection,

from the server to the client (column 8 lines 1-22, column 9 lines 38-60); and

displaying the transmitted infection information at the client (column 6 lines 21-

62, column 8 lines 1-23, column 10 lines 28-68).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaveh Abrishamkar whose telephone number is 571-272-3786. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

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Business Center (EBC) at 866-217-9197 (toll-free).

KA
06/28/05

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